

THE HONORABLE FRANKLIN D. BURGESS

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**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA**

DEBBIE OWEN on behalf of others  
similarly situated,

Plaintiff,

vs.

LABOR READY, INC., a Washington  
Corporation.

Defendant.

Case No.: CV 03-5566 FDB  
(Consolidating C03-5720 (RBL)FDB)

**STIPULATION WITHDRAWING  
PATRICIA HUNTLEY AS CLASS  
REPRESENTATIVE (BY AND  
THROUGH HER SOLE HEIR) AND  
FOR WITHDRAWAL OF PIERRY  
SHENOI LLP, MORRIS POLICH &  
PURDY LLP, AND THE LAW  
OFFICES OF GREGORY J.**

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PATRICIA R. HUNTLEY, individually,  
on behalf of those persons similarly  
situated and as a member of the general  
public,  
Plaintiff

vs.

LABOR READY, INC., a Washington  
corporation and DOES 1 through 100,  
inclusive,  
Defendants.

**MURPHY, P.S. AS CLASS COUNSEL  
AND [PROPOSED] ORDER  
THEREON**

IT IS HEREBY STIPULATED by and between the undersigned as follows:

WHEREAS,

1) Named class representative Patricia Huntley died while this case was  
stayed pending appeal of the Court's stay and consolidated order;

2) The class claims asserted by Patricia Huntley pertained to the 49 states  
other than California, and are coterminous with the class claims asserted by Debbie  
Owen in her earlier filed complaint which the Court consolidated for all purposes under  
the Owen action in February 2004;

3) The Ninth Circuit Court of Appeal let stand this Court's order  
consolidating the claims being made in the Huntley and Owen complaints;

4) Douglas Huntley is the sole heir to Patricia Huntley's claim and therefore  
has the right to act on her individual behalf;

5) Substitution of parties after the death of a party in federal court is  
effectuated pursuant to Federal Rules of Civil Procedure Section 25(a)(1) which

1 provides that "If a party dies and the claim is not thereby extinguished, the court may  
2 order substitution of the proper parties."

3  
4 6) Douglas Huntley is willing to, and does hereby stipulate to withdrawing  
5 from acting in the capacity of a named class representative in order for Debbie Owen to  
6 proceed as the named class representative through her counsel, namely, Westrup Klick,  
7 LLP; Magana Cathcart & McCarthy; Morton & McGoldrick; and Allan A. Sigel Law  
8 Offices and does hereby stipulate to withdraw as class representative;

9  
10 7) Pierry Shenoii LLP, Morris Polich & Purdy LLP and the Law Offices of  
11 Gregory J. Murphy, P.S. are agreeable to withdrawing as counsel of record in this  
12 matter;

13  
14 NOW, THEREFORE, IT IS AGREED THAT

15 Henceforth,

16 1) The class, i.e. pertaining to the 49 states other than California as  
17 alleged in the Owen and Huntley consolidated complaints shall be  
18 exclusively represented by Westrup Klick, LLP; Magana Cathcart &  
19 McCarthy; Morton & McGoldrick; and Allan A. Sigel Law Offices  
20 with Debbie Owen as the named class representative;

21  
22  
23 2) The law firms of Pierry Shenoii LLP, Morris Polich & Purdy LLP  
24 and the Law Offices of Gregory J. Murphy, P.S. which had been  
25 representing Ms. Huntley and the proposed class shall no longer be  
26 counsel of record in this case.

3) Douglas Huntley, as Patricia Huntley's sole heir, shall and does hereby withdraw as a proposed class representative plaintiff, preserving her individual claims as a putative class member.

Dated: October \_\_, 2005

LAW OFFICES OF GREGORY J. MURPHY, P.S.

By: \_\_\_\_\_  
Gregory J. Murphy  
Attorneys for Plaintiffs  
PATRICIA HUNTLEY, et al.

Dated: October \_\_, 2005

MORRIS POLICH & PURDY LLP

By: \_\_\_\_\_  
David J. Vendler  
Attorneys for Plaintiffs  
PATRICIA HUNTLEY, et al.

Dated: October \_\_, 2005

PIERRY SHENOI LLP

By: \_\_\_\_\_  
Allan A. Sheno  
Attorneys for Plaintiffs  
PATRICIA HUNTLEY, et al.

Dated: October \_\_, 2005

DOUGLAS HUNTLEY

By:  
Douglas Huntley

Dated: October \_\_, 2005

ALLAN A. SIGEL LAW OFFICES

By: \_\_\_\_\_  
Allan A. Sigel  
Attorneys for Plaintiff DEBBIE OWEN

1 Dated: October \_\_\_\_, 2005

MORTON & MCGOLDRICK

2  
3 By:  
4 Attorneys for Plaintiff DEBBIE OWEN

5  
6 Dated: October \_\_\_\_, 2005

WESTRUP KLINK, LLP

7  
8 By: \_\_\_\_\_  
9 R. Duane Westrup  
10 Lawrence R. Cagney  
Attorneys for Plaintiff DEBBIE OWEN

11 Dated: October \_\_\_\_, 2005

MAGANA CATHCART & MCCARTHY

12  
13 By: \_\_\_\_\_  
14 Peter T. Cathcart  
15 Richard L. Bisetti  
Attorneys for Plaintiff DEBBIE OWEN

16  
17  
18 **ORDER**

19 Good cause appearing therefore in the form of the death of Patricia Huntley, the  
20 Court accepts the parties' stipulation and orders that:

- 21 1) Pursuant to Federal Rule of Civil Procedure Section 25(a)(1), Douglas  
22 Huntley is hereby substituted as party plaintiff for Patricia Huntley who  
23 is deceased.
- 24 2) Douglas Huntley is further allowed to withdraw as a named class  
25 representative in the action. Patricia Huntley's individual claims remain  
26 as a putative class member.
- 27 3) The Court consents to the withdrawal of Pierry Sheno LLP and Morris

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Polich & Purdy LLP as counsel of record in the within cases and consents to Westrup Klick, LLP; Magana Cathcart & McCarthy; Morton & McGoldrick; and Allan A. Sigel Law Offices shall continue to solely represent the putative classes alleged in the complaints and the named representative.

4) Based on the foregoing, Gregory J. Murphy and the Law Offices of Gregory J. Murphy, P.S.'s motion to withdraw as local counsel is hereby GRANTED.

Dated: October 28, 2005\_\_\_\_\_



FRANKLIN D. BURGESS  
UNITED STATES DISTRICT JUDGE